

# Notice of Allowability

Application No.

10/628,729

Examiner

CARL COLIN

Applicant(s)

EISENTRAEGER ET AL.

Art Unit

2136

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed on 5/30/2008 and interview held on 7/21/2008.
2. ☒ The allowed claim(s) is/are 1,2,5,6,9,10,13-15,17-32,34-49, and 51-63.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 3/22/2004 and 5/18/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20080720.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Carl Colin/  
Primary Examiner, Art Unit 2136



## **DETAILED ACTION**

### ***Response to Arguments***

1. In response to communications filed on 5/30/2008, applicant amends claims 9, 13, 30, and 47; claims 58 and 63 are erroneously identified as currently amended since the markings have been previously entered. The following claims 1, 2, 5, 6, 9, 10, 13-15, 17-32, 34-49, and 51-63 are presented for examination.

1.1 Applicant's arguments, see pages 17-23, filed on 5/30/2008, with respect to the rejection of claims 1, 2, 5, 6, 9, 10, and 13-63 have been fully considered and are persuasive as amended.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's Representative Shirley Lee Anderson on July 21, 2008.

The application has been amended as follows:

In claim 58, change (Currently Amended) to (Previously Presented). The phrase "wherein the logic" on line 2 should be changed to --wherein the logic--.

In claim 63, change (Currently Amended) to (Previously Presented). The phrase "wherein the logic" should be changed to --wherein the logic--.

In claim 17, line 1, change "Claim 16" to --Claim 15--.

In claim 18, line 1, change "Claim 16" to --Claim 15--.

In claim 34, line 1, change "Claim 33" to --Claim 32--.

In claim 35, line 1, change "Claim 33" to --Claim 32--.

In claim 51, line 1, change "Claim 50" to --Claim 49--.

In claim 52, line 1, change "Claim 33" to --Claim 49--.

### ***Allowable Subject Matter***

3. Claims 1, 2, 5, 6, 9, 10, 13-15, 17-32, 34-49, and 51-63 are allowed.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL COLIN whose telephone number is (571)272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Colin/

Primary Examiner, Art Unit 2136

July 21, 2008